

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

COMERICA BANK
Plaintiff

Case No. 24-cv-12167

HON:

vs.

MAG.
JUDGE:

JPMORGAN CHASE BANK,
NATIONAL ASSOCIATION
Defendant

COMPLAINT

Plaintiff Comerica Bank (“Comerica”) complains against defendant JPMorgan Chase Bank, National Association (“Chase Bank”) as follows:

PARTIES – JURISDICTION – VENUE

1. This action for money damages in the amount of \$147,985.67 arises out of various check transactions in which Chase Bank breached its Uniform Commercial Code (“UCC”) warranties in the presentment of checks (sometimes “Disputed Check(s)” or “item” in this pleading) to Comerica.
2. This district court has subject matter jurisdiction by operation of 28 USC 1332(a)(1) because the amount in controversy (exclusive of costs, interest, and attorney fees) exceeds \$75,000.00 and diversity of citizenship exists:
 - a. Plaintiff Comerica is a Texas banking association organized and existing under Texas law with its principal place of business in Texas.
 - b. Defendant Chase Bank is a national banking association organized and existing under the laws of the United States with its home office in Ohio (*see* 28 USC 1348).
3. Venue is proper in this district court because the action arose at Comerica’s Operations Center located in this judicial district where Chase Bank presented each of the Disputed Checks for payment. Chase Bank also conducts business in this judicial district.

GENERAL ALLEGATIONS

4. Comerica processes checks drawn on its customer's accounts, including the Disputed Checks, at its facilities located in this judicial district.
5. Complaint exhibits 1 through 10 are redacted images of the Disputed Checks summarized as follows:

EX	DRAWER	CK #	POSTED	AMOUNT
1	Public School Academies	16504	05/09/2023	\$40,632.65
2	Public School Academies	9694	05/09/2023	\$28,566.83
3	Michael L. Vis	1712	09/05/2023	\$1,015.00
4	Texas Pride Disposal	10339	07/23/2023	\$23,757.14
5	Grand Texas Homes GP	27348	10/25/2022	\$12,417.82
6	Noella I Russo Trust	6968	05/22/2023	\$11,089.23
7	Westridge Mobile Home Park	2936	03/27/2023	\$22,382.00
8	Mark L. Rowe	8975	04/11/2023	\$4,200.00
9	Po Ai	4043	03/20/2023	\$2,800.00
10	Jeanette Marie Cancia	112	08/23/2023	\$1,125.00

6. Chase Bank accepted each Disputed Check for deposit and collection from Comerica.
7. Chase Bank presented an electronic image of each Disputed Check to Comerica for payment.
8. By operation of law, Chase Bank warranted to Comerica that Chase Bank was entitled to enforce each Disputed Check or was authorized to obtain payment on behalf of one who was entitled to enforce each Disputed Check; and, the Disputed Checks were not altered. UCC 4-208(a); 3-417(a).

9. For each Disputed Check, Comerica paid Chase Bank in good faith and debited a like amount from the relevant Comerica account.
10. Comerica later learned that none of the Disputed Checks was properly chargeable against the relevant Comerica account.
11. Chase Bank breached its warranties and damaged Comerica with respect to each Disputed Check transaction identified in the complaint exhibits.
12. Comerica is entitled to damages from Chase Bank in the amount of the Disputed Checks, or \$147,985.67, plus interest and compensation for expenses of litigation, including but not limited to attorney fees. UCC 4-208; 3-417.

COUNT I (Exhibits 1-5)

13. The General Allegations are incorporated by reference into this count.
14. This count relates to the Disputed Checks in complaint exhibits 1 through 5.
15. In each instance, Chase Bank's presentment of a Disputed Check constituted Chase Bank's entitled-to-enforce warranty to Comerica under UCC 3.417(a)(1); 4.208(a)(1).
16. The Disputed Checks were not endorsed as drawn in that each item had an improper, unauthorized, or missing endorsement.
17. On information and belief, in each instance the drawer's intended payee did not: a) receive or endorse the item; b) have any interest in the account at

Chase Bank into which the item was deposited; or c) receive the intended amount of proceeds from the check transaction.

18. Chase Bank's transfer and presentment to Comerica of each Disputed Check constituted a breach of Chase Bank's warranty to Comerica under UCC 3.417(a)(1) and 4.208(a)(1) and damaged Comerica.

COUNT II (Exhibits 6-10)

19. The General Allegations are incorporated by reference into this count.
20. This count relates to the items in complaint exhibits 6 through 10.
21. In each instance, the check was originally drawn with an authorized signature of the drawer.
22. In each instance, under circumstances presently unknown to Comerica and after each check was originally drawn, the original check was altered within the meaning of UCC 3.407(a)(i) in that unauthorized changes were made that purported to modify the obligation of a party to the instrument as follows:

Exhibit 6 (check 6968): the original payee (i.e., America Express) was altered to: Isis Harris

Exhibit 7 (check 2936): the original payee (i.e., Superior Township) was altered to: Upgrade Construction LLC, 163 Monte Verano Ct., San Jose, AA 95116-2659

Exhibit 8 (check 8975): the original payee (i.e., Central Baptist Church) and the original dollar amount (i.e., \$500) were altered to: Tonasha Robinson and \$4,200.00, respectively

Exhibit 9 (check 4043): the original payee (i.e., Chase) and the original dollar amount (i.e., \$171.26) were altered to: Jia Hao and \$2,800.00, respectively

Exhibit 10 (check 112): the original payee (i.e., American Express) and the original dollar amount (i.e., \$125.00) were altered to: Aderryne Hubbard and \$1,125.00, respectively

23. In each instance, Chase Bank's presentment of the Disputed Check constituted Chase Bank's no-alteration warranty to Comerica under UCC 3.417(a)(2); 4.208(a)(2).
24. In each instance, the altered payee was not the drawer's intended payee of the check as originally drawn.
25. On information and belief, in each instance the drawer's intended payee did not: a) receive or endorse the altered check; b) have any interest in the account at Chase Bank into which the altered check was deposited; or c) receive the intended proceeds or benefit from the altered check transaction.
26. Chase Bank's transfer and presentment of each Disputed Check to Comerica constituted a breach of Chase Bank's no-alteration warranty to Comerica under UCC 3.417(a)(2) and 4.208(a)(2) and damaged Comerica.

RELIEF REQUESTED

Plaintiff Comerica Bank requests entry of a money judgment in its favor against defendant JPMorgan Chase Bank, National Association, in the combined amount of the Disputed Checks, or \$147,985.67, plus interest and compensation for expenses of litigation, including but not limited to attorney fees, and any other damages allowed by law.

Date: August 19, 2024

/s/ David Wells
For Plaintiff Comerica Bank
Stancato Tragge Wells PLLC
2111 Woodward Ave – Suite 701
Detroit, MI 48201
(248) 731-4500
dwells@stwlawfirm.com
P47588

/s/ Henry Stancato
For Plaintiff Comerica Bank
Stancato Tragge Wells PLLC
2111 Woodward Ave – Suite 701
Detroit, MI 48201
(248) 731-4500
hstancato@stwlawfirm.com
P29538

EXHIBIT-1

Comerica Bank

Account Number: [REDACTED]
 Capture Date: May 09, 2023
 Item Number: 5250128943281
 Posted Date: May 09, 2023
 Posted Item Number: 970063642
 Amount: 40,632.65
 Record Type: Debit
 RT Number: 072000096

PUBLIC SCHOOL ACADEMIES OF DETROIT
 485 W MILWAUKEE ST
 DETROIT MI 48202

PUBLIC SCHOOL ACADEMIES OF DETROIT UNIVERSITY PREPARATORY SCIENCE AND MATH 2009 PO BOX 2457 DETROIT, MI 48202		COMERICA BANK <small>www.comerica.com</small>	16504 <small>9-8/720 433</small> CHECK AMOUNT
		DATE	AMOUNT
		4/27/2023	\$40,632.65
Forty Thousand Six Hundred Thirty Two and 65/100 Dollars			
PAY TO THE ORDER OF	Diamond Hospitality, LLC 4777 East Outer Drive Detroit, MI 48234		
		TWO SIGNATURES REQUIRED OVER \$5,000 VOID AFTER 90 DAYS	
		[Signature] AUTHORIZED SIGNATURE	
⑆016504⑆ ⑆072000096⑆ [REDACTED]			

Photo Safe Deposit
Details on Back

ENCLOSURE
 X Diamond Hospitality LLC
 Alvin Miller (CEO) For Deposit Only

EXHIBIT-2

Comerica Bank

Account Number: [REDACTED]
Capture Date: May 09, 2023
Item Number: 5250128943280
Posted Date: May 09, 2023
Posted Item Number: 970063641
Amount: 28,566.83
Record Type: Debit
RT Number: 072000096

THE PUBLIC SCHOOL ACADEMIES OF DETROIT
DBA UNIVERSITY PREPARATORY ACADEMY
ART & DESIGN SCHOOL
485 W MILWAUKEE
DETROIT MI 48202

CASH ONLY IF ALL Check.2pay™ SECURITY FEATURES LISTED ON BACK INDICATE NO TAMPERING OR COPYING

PUBLIC SCHOOL ACADEMIES OF DETROIT
University Preparatory Academy Art and Design School
485 W. Milwaukee Street
Detroit, MI 48202
(313) 481-4000

COMERICA BANK
DETROIT, MI 48202
9-9/720

9694

4/27/2023

PAY TO THE ORDER OF **Diamond Hospitality, LLC**

Twenty Eight Thousand Five Hundred Sixty Six and 83/100 Dollars

\$ 28,566.83

DOLLARS

Diamond Hospitality, LLC
4772 East Outer Drive
Detroit, MI 48234

PROTECTOR AGAINST FRAUD

TWO SIGNATURES REQUIRED OVER \$5,000

MEMO

4/27/2023

⑈009694⑈ ⑆072000096⑆ [REDACTED]

AP

INDIAN CREDIT UNION SECURE CHECK

Diamond Hospitality LLC
AP (CEO) For Deposit only

EXHIBIT-3



Account Number: [REDACTED]
 Capture Date: September 05, 2023
 Item Number: 5250131791590
 Posted Date: September 05, 2023
 Posted Item Number: 970025298
 Amount: 1,015.00
 Record Type: Debit
 RT Number: 072000096

MICHAEL L VIS
 [REDACTED]

MICHAEL L VIS 07-13 1712
 9/1/2023 DATE
 Pay to the Order of York Creek \$ 1015.00
One thousand-fifteen and 00/100 DOLLARS
 Comerica Bank
 www.comerica.com
 For 3835 #4 Michael L. Vis
 ⑆072000096⑆ 01712

01712

MICHAEL L VIS 07-13

Security Features exceed industry standards and include:

- ImageMatch®: Matching account and check number on back (Patent No. 9,249,888)
- MobileMark®: Mobile Deposit check with QR code check has been deposited via mobile device
- The Security Weave® pattern (Patent No. 9,249,888)
- Microprint (MP) lines printed on front and back
- The words "ORIGINAL DOCUMENT" printed on back
- Photo Safe Deposit® icon

Do not cash if:

- Any of the features listed above are missing or appear altered
- Fugitive has been listed in FBI or DHS databases
- Check is altered, dated, or otherwise tampered with

JP Morgan Chase Bank, N.A.
 As Agent for Discover

☐ CHECK BOX FOR MOBILE/REMOTE DEPOSIT
 WRITE NAME OF FINANCIAL INSTITUTION ON LINE BELOW

ENDORSE HERE
 X


EXHIBIT-4



Current Date: December 27, 2023

Account Number: [REDACTED]
 Capture Date: July 06, 2023
 Item Number: 5250130462284
 Posted Date: July 06, 2023
 Posted Item Number: 970313596
 Amount: 23,757.14
 Record Type: Debit
 RT Number: 111000753

TEXAS PRIDE DISPOSAL SOLUTIONS LLC
 PO BOX 79529
 HOUSTON TX 77279

 TEXAS PRIDE DISPOSAL SOLUTIONS PO Box 79529 Houston, TX 77279		COMERICA BANK 82-75/1110	10339 06/23/2023
PAY TO THE ORDER OF 2Bandits LLC		\$ **23,757.14	
Twenty-three thousand seven hundred fifty-seven and 14/100 ***** DOLLARS			
2Bandits LLC 7515 Jefferson Hwy. - #89 Baton Rouge, LA 70806		PROTECTED AGAINST FRAUD	
MEMO		[REDACTED]	
⑆010339⑆ ⑆111000753⑆ [REDACTED]			

2
 D. Banks
 2BANDITS LLC

EXHIBIT-5

10/24/2022

This is a check. You can use it the same way you would use the original check.

403091820801

10749099621 10/24/2022

0027348

GRAND TEXAS HOMES GP, LLC
 Millennium Tower
 15485 Dallas Parkway, Suite 1000
 ADDISON, TEXAS 76001
 (214) 750-6528 FAX (214) 750-6840

DATE: 10/20/2022 AMOUNT: \$12,417.82

Twelve Thousand Four Hundred Seventy Nine and 82/100 Dollars

GRAND TEXAS HOMES

PAY TO THE ORDER OF: Pipeline Dreams LLC, and Moore Supply Co.
 2806 Half Moond Rd.
 Aubrey, TX 76227

14547 M

⑈0027348⑈ ⑆111000753⑆

⑈0027348⑈

⑆111000753⑆

⑈0001241782⑈

Please examine the following security features before accepting this check:

⑈0027348⑈ 102504

10/24/2022

10/24/2022

JP Morgan Chase Bank, N.A.

CREDITED TO ACCOUNT OF WITHIN NAMED PAYEE FOR DEPOSIT ONLY

Do not endorse or write below this line

Posted : 10/25/2022

Bank : 00000002

R/T : 11100075

Account :

Check : 27348

Amount : 12417.82

DIN : 970364091

EXHIBIT-6

Comerica Bank

Account Number: [REDACTED]
 Capture Date: May 22, 2023
 Item Number: 5250129722195
 Posted Date: May 22, 2023
 Posted Item Number: 970752411
 Amount: 11,089.23
 Record Type: Debit
 RT Number: 072000096

NOELLA I RUSSO REV LIV TRUST UAD 122496
 NOELLA I RUSSO TRUSTEE
 [REDACTED]

NOELLA I RUSSO

6968

9-9/720
234

5-14-23

Date

Pay to the
Order of

Tsis Harris

\$ 11,089.23

Eleven thousand eighty nine ²³/₁₀₀

Dollars



Photo
Safe
Deposit
Check on back

Comerica Bank.
www.comerica.com

Platinum Circle

For

Noella Russo

AP

⑆072000096⑆

06968

Handwritten Check

JEWELLED ELEGANCE

5-14-23

11,089.23

Eleven thousand eighty nine and 23/100

Tsis Harris

EXHIBIT-7

Account Number:	
Capture Date:	March 27, 2023
Item Number:	5250127853914
Posted Date:	March 27, 2023
Posted Item Number:	970159401
Amount:	22,382.00
Record Type:	Debit
RT Number:	072000096

Security Features Included

ENDORSE HERE

x Griffiths Don

EXHIBIT-8

Comerica Bank

Account Number: [REDACTED]
Capture Date: April 11, 2023
Item Number: 5250128322589
Posted Date: April 11, 2023
Posted Item Number: 970336023
Amount: 4,200.00
Record Type: Debit
RT Number: 111000753

MARK L ROWE
LINDA N ROWE
[REDACTED]

MARK L ROWE
LINDA N ROWE
[REDACTED]

8975

22-75/1118
635

4-7-23

DATE

Pay to the
Order of

Tonasha Robinson

\$ 4,200.00

Four thousand two hundred and 00/100

DOLLARS



Comerica Bank
www.comerica.com

Platinum Circle

For

Emile R...

⑆111000753⑆

08975

For Deposit Only - JPMC

Tonasha Robinson
For Electronic deposit at
Crash only

EXHIBIT-9

Comerica Bank

Account Number: [REDACTED]
 Capture Date: March 20, 2023
 Item Number: 5250127443968
 Posted Date: March 20, 2023
 Posted Item Number: 970055912
 Amount: 2,800.00
 Record Type: Debit
 RT Number: 121137522

PO AI
[REDACTED]

90-3752/1211

4043

PO AI
[REDACTED]


DATE

3/14/23

PAY TO
THE ORDER OF

JIA HAO

\$2800.00

Two Thousand Eight Hundred Dollars DOLLARS  Security Features
Printed on Paper

COMERICA BANK
 (800) 522-2265
 WWW.COMERICA.COM

MEMO

CASH FOR Jia Hao

[REDACTED]

MP

⑆121137522⑆

4043

SPECIALTY BUS

Values listed below are for informational purposes only. They are not intended to be used for any other purpose. The actual values may vary. The values listed below are for informational purposes only. They are not intended to be used for any other purpose. The actual values may vary.

2003

DO NOT STAMP OR SIGN BELOW THIS LINE

CHECK HERE FOR REMOTE DEPOSIT ONLY

ENDORSE HERE

[Signature]

EXHIBIT-10



Account Number: [REDACTED]
Capture Date: August 30, 2023
Item Number: 5250131769525
Posted Date: August 30, 2023
Posted Item Number: 970041442
Amount: 1,125.00
Record Type: Debit
RT Number: 111000753

JEANETTE MARIE CIANCIA
[REDACTED]

Janie Marie Cincia
[REDACTED]

112

20-75/1110

8/30 2023

Pay to the order of Adeirne Hubbard \$ 1125.00

One Thousand and one hundred twenty five ⁰⁰/₁₀₀ Dollars

Comerica Bank - Texas

For Chase

0011000753 [REDACTED] 0112

For Deposit Only - JPMC

ADEIRNE HUBBARD